



Express Mail No. EV473972572US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Ternansky et al.

Confirmation No.: 8558

Serial No.: 10/590,576 (National Stage  
Application of  
PCT/US2005/005985)

Art Unit: To be assigned

IA Filing Date: February 23, 2005

Examiner: To be assigned

For: FORMULATIONS OF  
THIOMOLYBDATE OR  
THIOTUNGSTATE  
COMPOUNDS AND USES  
THEREOF

Attorney Docket No: 9715-046-999  
(600531-999046)

**PETITION FOR FILING ON BEHALF OF UNCOOPERATIVE  
LEGAL REPRESENTATIVE CAROL A. SULLIVAN UNDER 37 C.F.R § 1.47(a)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

11/23/2007 LLANDGRA 00000004 503013 10590576

07 FC:1463 Sir: 200.00 DA

It is respectfully requested that Robert J. Ternansky and Andrew X. Chen, co-inventors with Brian W. Sullivan of the invention disclosed and claimed in the above-identified application, be permitted to make this application for patent on behalf of themselves and Brian W. Sullivan. The reasons for making this petition are set forth below:

**I. FACTS**

Robert J. Ternansky, Andrew X. Chen, and Brian W. Sullivan (deceased) are the true and first inventors of the invention disclosed and claimed in the above-identified application. On information and belief, Carol A. Sullivan is the legal representative of Brian W. Sullivan (deceased). Carol A. Sullivan refuses to join in the above-identified application. A Declaration of David Kerwick of Facts Relating to the Refusal of Legal Representative Carol A. Sullivan ("the Kerwick Declaration") are attached, detailing proof of the pertinent facts relating to Mrs. Sullivan's refusal to execute the Declaration. The contents of the Kerwick Declaration is incorporated by reference in its entirety.

## II. CAROL A. SULLIVAN REFUSES TO EXECUTE THE DECLARATION.

The facts set forth in the Kerwick Declaration show that Carol A. Sullivan, the legal representative of Brian Sullivan (deceased), refuses to execute the Declaration.

The last know address of Carol A. Sullivan is 25799 Forest Dr., Escondido, CA 92026.

## III. CONCLUSION

Applicants request that this Petition to make the application on behalf of themselves and for Brian W. Sullivan (deceased) be granted.

It is believed that a fee in the amount of \$200 is due at this time for the filing of this Petition under 37 CFR § 1.17(g). The Commissioner is authorized to charge the above estimated fee, or any additional fee(s) that may be required, to Jones Day Deposit Account 50-3013. A duplicate copy of this sheet is enclosed.

Date: November 19, 2007

Respectfully submitted,

for

*Adriane M. Antler*

Adriane M. Antler

**JONES DAY**

222 East 41st Street

New York, New York 10017

(212) 326-3939

*David J. Kerwick*  
Reg. No. 56,811

32,605

(Reg. No.)



Express Mail No. EV473972572US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Ternansky et al.

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THIOMOLYBDATE OR  
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COMPOUNDS AND USES  
THEREOF

Attorney Docket No: 9715-046-999  
(600531-999046)

**DECLARATION OF DAVID KERWICK OF FACTS RELATING TO THE REFUSAL OF  
LEGAL REPRESENTATIVE CAROL A. SULLIVAN TO EXECUTE A DECLARATION**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, David J. Kerwick, Associate Attorney of Jones Day in New York, hereby  
declare that:

1. I made the following attempts to secure the execution of a Declaration  
by Carol A. Sullivan, the legal representative of Brian W. Sullivan (deceased).

2. Brian W. Sullivan is a named inventor of the above-identified  
application. Mr. Sullivan is deceased.

3. On November 12, 2007, I sent Carol A. Sullivan, Mr. Sullivan's  
widow, an e-mail briefly explaining that in order to proceed with the prosecution of the  
above-identified application at the U.S. Patent and Trademark Office, we needed a  
declaration signed by Brian Sullivan's legal representative. In my e-mail, I asked Mrs.  
Sullivan to confirm that she was Brian Sullivan's legal representative. I also asked her to  
provide her full name, citizenship, residence address and postal address. I also advised Mrs.  
Sullivan of the November 18, 2007 nonextendible deadline to file the signed declaration in

the U.S. Patent and Trademark Office. A copy of my November 12, 2007 e-mail is attached hereto as Exhibit 1.

4. On November 14, 2007, I sent another e-mail to Mrs. Sullivan as a reminder. A copy of this e-mail is attached hereto as Exhibit 2.

5. On November 14, 2007, Mrs. Sullivan responded to my e-mail, asking what the financial agreement was for Brian Sullivan. A copy of Mrs. Sullivan's November 14, 2007 e-mail is attached hereto as Exhibit 3.

6. I responded to Mrs. Sullivan in my second November 14, 2007 e-mail by informing her that the U.S. Patent and Trademark Office requires that each inventor sign a declaration and that as her husband's legal representative she was able to sign that declaration for him. A copy of my second November 14, 2007 e-mail to Mrs. Sullivan is attached hereto as Exhibit 4.

7. On November 15, 2007, I sent an email to Mrs. Sullivan with attached copies of a Declaration Supplemental Sheet and a letter of instruction requesting that she execute and return the Declaration Supplemental Sheet in time for filing in the U.S. Patent and Trademark Office on November 19, 2007. A copy of this e-mail is attached hereto as Exhibit 5.

8. On November 16, 2007, I sent to Mrs. Sullivan, by Federal Express package, for delivery on Saturday, November 17, 2007, the original Declaration Supplemental Sheet and letter that I attached copies of to my November 15, 2007 e-mail. I included in the package, a prepaid and return addressed Federal Express envelope for Mrs. Sullivan's use when returning the signed Declaration Supplemental Sheet. I addressed the Federal Express package to Carol A. Sullivan, 25799 Forest Dr., Escondido, CA 92026, Mrs. Sullivan's last known address. Copies of the Federal Express receipt and label are attached hereto as Exhibit 6.

9. On November 18, 2007, Mrs. Sullivan responded to me by e-mail, acknowledging receipt of the Federal Express package. In her November 18, 2007 e-mail,

Mrs. Sullivan also refused to execute the Declaration Supplemental Sheet. A copy of Mrs. Sullivan's November 18, 2007 e-mail is attached hereto as Exhibit 7.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: November 19, 2007

Respectfully submitted,



David J. Kerwick

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

56,811

(Reg. No.)

**EXHIBIT 1**

David J Kerwick /JonesDay  
Extension 7-7850  
11/12/2007 03:03 PM

To carol.sullivan@am.jll.com  
cc Distler@attenuon.com, Adriane M  
Antler/JonesDay@JonesDay  
bcc  
Subject URGENT: U.S Application No. 10/590,576: Formulations of  
Thiomolybdate or Thiotungstate Compounds and Uses  
Thereof; our docket 9715-046-999

Mrs. Sullivan

Josh Distler asked us to contact you about a patent application on which your husband is listed as an inventor. We are patent attorneys representing Attenuon LLC in the prosecution of this application. In order to proceed with the prosecution of this patent application we need the signature of the legal representative of Brian Sullivan on a declaration to be filed in the Patent Office.

First, we would like to confirm that you are the legal representative (i.e. executor, administrator, or heir with rights to the personal property) of Brian Sullivan. If you are not Brian Sullivan's legal representative, can you direct us to that person?

If you are the legal representative, then please provide us with your full name, country of citizenship, residence address, and mailing address as soon as possible. Once we have this information, we will send you a declaration and an assignment for your signature. Please note that this matter is urgent since if the signed declaration is not filed in the Patent Office by **November 18, 2007**, the application will become abandoned.

In the declaration, you, inter alia, will declare that your husband, Brian Sullivan, was a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "Formulations of Thiomolybdate or Thiotungstate Compounds and Uses Thereof". You will also state that you have reviewed and understood the contents of the application and acknowledge your duty to disclose information known to you to be material to patentability. (All of the foregoing is required by the Patent Office to be contained in the declaration.) I attach a pdf copy of the application as filed in the United States to facilitate your review.



WQ2005082382.pdf

The assignment transfers Brian Sullivan's rights in the invention to Attenuon. This transfer is in accordance with your husband's terms of employment with Irisys and Irisys's contract with Attenuon. However, even after the execution of the assignment, your husband will continue to be named as an inventor. Your signing of the assignment should be witnessed by a Notary Public.

Once we receive the executed declaration, we can proceed with the prosecution of this application. The nonextendible deadline for filing the executed declaration is **November 18, 2007**. The executed assignment should also be forwarded to us for recording in the Patent Office.

If you have any questions or comments, please contact us.

Sincerely,

David J. Kerwick  
JONES DAY  
222 East 41st Street  
New York, NY 10017-6702

## **EXHIBIT 2**



David J Kerwick /JonesDay  
Extension 7-7850  
11/14/2007 02:18 PM

To carol.sullivan@am.jll.com  
cc Adriane M Antler/JonesDay@JonesDay,  
Distler@attenuon.com  
bcc  
Subject Fw: URGENT: U.S Application No. 10/590,576:  
Formulations of Thiomolybdate or Thiotungstate Compounds  
and Uses Thereof; our docket 9715-046-999

Mrs. Sullivan

Just a gentle reminder about our request regarding your husband's patent application. The deadline for filing your declaration and avoiding the abandonment of this application is **November 18, 2007**. Could you please contact us as soon as possible?

Thank you.

David J. Kerwick  
JONES DAY  
222 East 41st Street  
New York, NY 10017-6702  
Telephone: 212-326-7850  
Fax: 212-755-7306

----- Forwarded by David J Kerwick/JonesDay on 11/14/2007 02:14 PM -----

David J Kerwick /JonesDay  
Extension 7-7850  
11/12/2007 03:03 PM

To carol.sullivan@am.jll.com  
cc Distler@attenuon.com, Adriane M  
Antler/JonesDay@JonesDay  
Subject URGENT: U.S Application No. 10/590,576: Formulations of  
Thiomolybdate or Thiotungstate Compounds and Uses  
Thereof; our docket 9715-046-999

Mrs. Sullivan

Josh Distler asked us to contact you about a patent application on which your husband is listed as an inventor. We are patent attorneys representing Attenuon LLC in the prosecution of this application. In order to proceed with the prosecution of this patent application we need the signature of the legal representative of Brian Sullivan on a declaration to be filed in the Patent Office.

First, we would like to confirm that you are the legal representative (i.e. executor, administrator, or heir with rights to the personal property) of Brian Sullivan. If you are not Brian Sullivan's legal representative, can you direct us to that person?

If you are the legal representative, then please provide us with your full name, country of citizenship, residence address, and mailing address as soon as possible. Once we have this information, we will send you a declaration and an assignment for your signature. Please note that this matter is urgent since if the signed declaration is not filed in the Patent Office by **November 18, 2007**, the application will become abandoned.

In the declaration, you, inter alia, will declare that your husband, Brian Sullivan, was a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "Formulations of Thiomolybdate or Thiotungstate Compounds and Uses Thereof". You will also state that you have reviewed and understood the contents of the application and acknowledge your duty to disclose

**EXHIBIT 3**



"Sullivan, Carol (US)"  
<Carol.Sullivan@am.jll.com>

11/14/2007 02:39 PM

To: "David J Kerwick" <djkerwick@JonesDay.com>

cc

bcc

Subject: RE: URGENT: U.S Application No. 10/590,576:  
Formulations of Thiomolybdate or Thiotungstate Compounds  
and Uses Thereof; our docket 9715-046-999

History:  This message has been replied to and forwarded.

What was the financial agreement for Brian on this because I do not feel comfortable signing something I know nothing about.

Carol Sullivan

Vice President Marketing, Retail

Jones Lang LaSalle

25799 Forest Dr

Escondido, CA 92026

wk 760-738-8799

fax 760-738-1192

**From:** David J Kerwick [mailto:djkerwick@JonesDay.com]

**Sent:** Wednesday, November 14, 2007 11:19 AM

**To:** Sullivan, Carol (US)

**Cc:** Adriane M Antler; Distler@attenuon.com

**Subject:** Fw: URGENT: U.S Application No. 10/590,576: Formulations of Thiomolybdate or Thiotungstate Compounds and Uses Thereof; our docket 9715-046-999

Mrs. Sullivan

Just a gentle reminder about our request regarding your husband's patent application. The deadline for filing your declaration and avoiding the abandonment of this application is **November 18, 2007**. Could you please contact us as soon as possible?

**EXHIBIT 4**

•David J Kerwick /JonesDay  
Extension 7-7850  
11/14/2007 03:27 PM

To "Sullivan, Carol (US)" <Carol.Sullivan@am.jll.com>  
cc Adriane M Antler/JonesDay@JonesDay,  
Distler@attenuon.com  
bcc  
Subject RE: URGENT: U.S Application No. 10/590,576:  
Formulations of Thiomolybdate or Thiotungstate Compounds  
and Uses Thereof; our docket 9715-046-999

Mrs. Sullivan

Thank you for your prompt reply. There are two documents which you are being asked to sign.

The first is a declaration. The U.S. Patent and Trademark Office requires that each inventor of a patent application sign a declaration or oath declaring that he or she is the inventors, that he/she has reviewed the application and for he/she to acknowledge the duty to disclose information known to be material to patentability. As your husband's legal representative, you are able to sign that declaration for him.

The second document is an assignment of the rights of the invention to Attenuon. My understanding from Josh Distler of Attenuon is that your husband's obligation to assign the rights of the invention stems from his employment relationship with Irisys. It is typical in industry for scientists to have an obligation to assign patent rights to their employer as a condition of employment. Andrew Chen, another joint inventor and former Irisys employee has already signed the declaration and assignment. If you have further questions about your husband's employment relationship with Irisys, Mr. Distler suggested that you contact Gina Stack, the President of Irisys.

I hope that I have answered your question. Please contact us if you have any comments or additional questions.

Sincerely,

David J. Kerwick  
JONES DAY  
222 East 41st Street  
New York, NY 10017-6702  
Telephone: 212-326-7850  
Fax: 212-755-7306  
"Sullivan, Carol (US)" <Carol.Sullivan@am.jll.com>



"Sullivan, Carol (US)"  
<Carol.Sullivan@am.jll.com>

11/14/2007 02:39 PM

To "David J Kerwick" <djkerwick@JonesDay.com>  
cc  
Subject RE: URGENT: U.S Application No. 10/590,576:  
Formulations of Thiomolybdate or Thiotungstate Compounds  
and Uses Thereof; our docket 9715-046-999

What was the financial agreement for Brian on this because I do not feel comfortable signing something I know nothing about.






## **EXHIBIT 5**

David J Kerwick /JonesDay  
Extension 7-7850  
11/15/2007 10:18 PM

To "Sullivan, Carol (US)" <Carol.Sullivan@am.jll.com>  
cc Adriane M Antler/JonesDay@JonesDay,  
Distler@attenuon.com  
bcc  
Subject URGENT: U.S Application No. 10/590,576: Formulations of  
Thiomolybdate or Thiotungstate Compounds and Uses  
Thereof; our docket 9715-046-999

Mrs. Sullivan

Please see the attached documents.

 Letter.PDF  
 Assignment.PDF  Decl.Suppl.Sheet.PDF  
 WD2005082382.pdf  Notice.missing.req.pdf

Please let us know if you will be signing the Declaration Supplemental Sheet and returning it to us for receipt by the deadline of November 19, 2007.

If you have any questions or comments, please contact us.

Sincerely,

David J. Kerwick  
JONES DAY  
222 East 41st Street  
New York, NY 10017-6702  
Telephone: 212-326-7850  
Fax: 212-755-7306

=====  
This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.  
=====

# JONES DAY

222 EAST 41ST STREET • NEW YORK, NEW YORK 10017-6702  
TELEPHONE: 212-326-3939 • FACSIMILE: 212-755-7306

JP009230:jl  
Our Ref.: 9715-046-999  
CAM No.: 600531-999046

November 15, 2007

Direct Number: 212-326-7850  
djkerwick@jonesday.com

***By E-mail and Federal Express***

Mrs. Carol A. Sullivan  
25799 Forest Drive  
Escondido, California 92026

Re: U.S. Application Serial No. 10/590,576  
(National Stage Application of PCT/US2005/005985,  
filed February 23, 2005)  
For: FORMULATIONS OF THIOMOLYBDATE OR  
THIOTUNGSTATE COMPOUNDS AND USES THEREOF  
Applicant: Attenuon, LLC

Dear Mrs. Sullivan:

Further to our November 14, 2007 email in connection with the above-identified application, enclosed is a copy of a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("the Notice") dated April 18, 2007, which we received from the United States Patent and Trademark Office ("USPTO") in connection with the above-identified application. The Notice requires the filing of an executed declaration. We have determined that you will not need to sign a declaration with all the required statements described in my previous e-mail. Instead, we request that you sign a Declaration Supplemental Sheet For Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor. This form is taken from the USPTO web site, and requires only your name, citizenship, residence address, mailing address, and signature (along with the date of signature).

Accordingly, we are enclosing for your signature the following documents:

1. Declaration Supplemental Sheet For Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor; and
2. Assignment.

We also enclose a copy of the application (International Publication No. WO 2005/082382 A1) as filed.

If there are errors in your name, citizenship, residence address or mailing address, please line through the errors, make the corrections in the document and initial and date the margin adjacent to each correction.



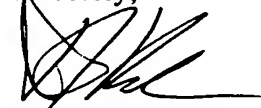
Mrs. Carol A. Sullivan  
November 15, 2007  
Page 2

Please sign and date the Declaration Supplemental Sheet in the spaces provided. Please sign and date the Assignment where indicated, in the presence of a notary.

As we previously advised you, the **nonextendible** deadline for filing the Declaration Supplemental Sheet in the USPTO is **November 18, 2007**. Since this deadline is on a Sunday, the USPTO rules permit the Declaration Supplemental Sheet to be filed on the next working day, Monday, **November 19, 2007**. If necessary, the Assignment, but **not** the Declaration Supplemental Sheet, can be filed after this date. In order to meet this deadline, you may return the signed documents to us by using the enclosed prepaid Federal Express envelope and label as long as they are received by us by **5:00 p.m. (eastern standard time) on Monday, November 19, 2007**. Alternatively, you may fax them to us (at 212-755-7306) or return a pdf copy of the signed documents to us by e-mail. As an additional alternative, you may contact Josh Distler of Attenuon who can arrange for a courier to pick up the documents from you. Mr. Distler may be reached by phone at (858) 558-4111 or e-mail at Distler@attenuon.com (note that if Mr. Distler's courier picks up the signed documents, you must allow sufficient time for them to be transmitted to us in New York by 5:00 p.m. (eastern standard time) on Monday, November 19, 2007). If you send us fax or pdf copies, please have the originals subsequently forwarded to us.

As noted above, we will need to have received the executed Declaration Supplemental Sheet (or a copy thereof) in our New York office no later than **5:00 p.m. (eastern standard time) on November 19, 2007** in order to ensure filing in the USPTO on that day. In the meantime, if you have any questions, please do not hesitate to contact us.

Sincerely,



David J. Kerwick

Enclosures

cc: Josh L. Distler, Esq. (w/encls.)  
Adriane M. Antler, Esq.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION Supplemental Sheet

### For Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor

Enter Deceased or Incapacitated Inventor's Name Brian W. Sullivan

Page 1 of 1

<b>Name of Legal Representative:</b>		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Carol A.		Sullivan	
Legal Representative's Signature			Date
Residence: City	Escondido	State	CA
Country	USA	Citizenship	USA
Mailing Address 25799 Forest Dr.			
Mailing Address			
City	Escondido	State	CA
Zip	92026	Country	USA
<b>Name of Additional Legal Representative, if any:</b>		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Legal Representative's Signature			
Residence: City		State	
Country		Citizenship	
Mailing Address			
Mailing Address			
City		State	
Zip		Country	
<b>Name of Additional Legal Representative, if any:</b>		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Legal Representative's Signature		Date	
Residence: City		State	
Country		Citizenship	
Mailing Address			
Mailing Address			
City		State	
Zip		Country	

This collection of information is required by 35 U.S.C. 117 and 37 CFR 1.42, 1.43, 1.63 and 1.64(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## ASSIGNMENT

WHEREAS, I, **Carol A. Sullivan**, citizen of the United States, residing at 25799 Forest Drive, Escondido, California 92026, ASSIGNOR, am the legal representative of **Brian W. Sullivan** (deceased), who is a joint inventor with **Robert J. Ternansky** and **Andrew X. Chen** of the invention in FORMULATIONS OF THIOMOLYBDATE OR THIOTUNGSTATE COMPOUNDS AND USES THEREOF for which an application for a Patent of the United States has been filed

- ☒ which is identified by Jones Day docket no. 9715-046-999
- ☒ which is U.S. Application No. 10/590,576, National Stage of PCT International Application No. PCT/US2005/005985, filed February 23, 2005

and WHEREAS, Attenuon, LLC, a limited liability company organized and existing under the laws of the state of Delaware, and having an office for the transaction of business at 11535 Sorrento Valley Road, Suite 401, San Diego, California 92121, ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sells, assigns, transfers and sets over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest formerly of Brian W. Sullivan in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my signature.

Date \_\_\_\_\_, 2007

\_\_\_\_\_  
Carol A. Sullivan, the legal representative of  
Brian W. Sullivan L.S.

State of )  
County of ) SS.:  
)

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_ Notary Public, personally appeared Carol A. Sullivan, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

---

**EXHIBIT 6**

**FedEx Kinko's**  
Office and Print Center

600 3RD AVE  
NEW YORK, NY 10016

Location: JRAKS  
Device ID: JRAKS-POS01  
Employee: 2023787  
Transaction: 250077925076

**PRIORITY OVERNIGHT**

860846212147 0.70 lb (S) \$26.59

Shipment subtotal: \$26.59

**Total Due: \$26.59**

FedEx Account: \$26.59  
\*\*\*68029

M = Weight entered manually

S = Weight read from scale

T = Taxable item

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1.800.463.3339

November 16, 2007 8:44:17 AM

# FedEx. US Airbill

Express

Tracking Number 8608 4621 2147

1 From Please print and print legibly  
 Date 11/14/07 Sender's FedEx Account Number 010068029  
 Sender's Name David J. Kempick Phone 1212 326-7850  
 Company James Day  
 Address 222 East 41st 1416  
 City New York State NY ZIP 10017  
 2 Your Internal Billing Reference OPTIONAL  
 3 To  
 Recipient's Name Carol Sullivan Phone ( )  
 Company  
 Address 25799 Forest Dr.  
 We cannot deliver to P.O. boxes or P.O. ZIP codes.  
 Address Con Escandido State CA ZIP 92026  
 To require a package be held at a specific FedEx location, print FedEx address here.

## Sender's Copy

4a Express Package Service Packages up to 150 lbs.  
☒ FedEx Priority Overnight Next business day by 10:30 AM. Delivery guarantee.  
☐ FedEx Standard Overnight Next business day by 3:00 PM. Delivery guarantee.  
☐ FedEx 2Day Second business day. Delivery guarantee.  
☐ FedEx Express Saver Third business day. Delivery guarantee.  
 4b Express Freight Service Packages over 150 lbs.  
☐ FedEx 1Day Freight Next business day. Delivery guarantee.  
☐ FedEx 2Day Freight Second business day. Delivery guarantee.  
☐ FedEx 3Day Freight Third business day. Delivery guarantee.  
 5 Packaging \* To meet handling  
☒ FedEx Envelope FedEx Large Flat, and FedEx Small Flat.  
☐ FedEx Pak FedEx Tube  
☐ FedEx Box FedEx Other  
 6 Special Handling \* Indicated when used  
☒ SATURDAY Delivery Include FedEx address in Section 3.  
☐ HOLD at FedEx Location Hold package at FedEx location for pickup. Not available for FedEx First Overnight.  
☐ HOLD at FedEx Location Hold package at FedEx location for pickup. Not available for FedEx First Overnight.  
☐ Signature Required Signature required for delivery. Not available for FedEx First Overnight.  
☐ Signature Required Signature required for delivery. Not available for FedEx First Overnight.  
 7 Payment Enter FedEx Account No. or Credit Card No. below.  
☒ Sender's Account Recipients  
☐ Recipient Third Party  
☐ Credit Card Cash/Check  
 FedEx Account No. 010068029  
 Total Packages 1 Total Weight 1.00 Total Declared Value \$ .00  
 8 NEW Residential Delivery Signature Options If you require a signature, check Direct or Indirect.  
☐ No Signature Required Signature  
☒ Direct Signature Indirect Signature  
☐ Indirect Signature Signature required for delivery. Not available for FedEx First Overnight.  
 Signature [Signature]  
 Date 11/14/07 Time 10:00 Printed when used



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520



**EXHIBIT 7**



"Sullivan, Carol (US)"  
<Carol.Sullivan@am.jll.com>

To : <djkerwick@jonesday.com>

cc

bcc

11/18/2007 06:08 PM

Subject: Re overnight I received

I am in receipt of your overnight, however I just got back into town from a business trip late last night.

I have discussed this situation with several people and feel that as it stands I cannot sign this document. I think you should know that my husband who was of great value to Irysis, had to quit and find a new job as they did not pay him for four months. They kept saying they would get money, but it never came to fruition. Consequently he had to go to the labor board to get paid and had to sign away things he would not have. He would have stayed with the company and did a great job for them, but not being paid for four months is not acceptable. It was also during a time in his health where he did not need this type of stress. He did not receive the total amount that was due him and he just decided to cut his losses and move on with his career and life.

That being said, I am not inclined to help this company get a drug passed through after this situation. I know other companies that he worked for, that I know and respect. I actually signed a patent with one of the other companies he worked at after Irysis, and did it gladly as they treated him well.

I do not wish to speak with Gina Stack - she is your client and I have no desire to talk with her.

As Brian did not get his full due I feel if they really want to get this signed and faxed back tomorrow then they will look at remuneration to estate for what he had to give up and the stress they caused both him and me during that time when we had medical bills, were both working and trying to stay afloat both emotionally and financially.

Carol Sullivan  
Vice President Marketing, Retail  
Jones Lang LaSalle  
25799 Forest Dr  
Escondido, CA 92026

wk 760-738-8799  
fax 760-738-1192

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